



Appeal Decision

Site visit made on 16 September 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/T5720/D/24/3343579

18 Litchfield Avenue, Merton, Morden, SM4 5QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Nanthan Nadaraj against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P0078.
 - The development proposed is the erection of a single-storey wraparound extension, including front porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey wraparound extension, including front porch extension at 18 Litchfield Avenue, Merton, Morden, SM4 5QS in accordance with the terms of the application, Ref 24/P0078, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan at scale 1:1250 and Drg Nos PE-01, PE-02 and PE-03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio, or similar amenity area.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the area, and upon the living conditions of neighbouring occupiers, particularly at 20 Litchfield Avenue having regard to visual impact and sunlight.

Reasons

Character and Appearance

3. The appeal property is a two-storey semi-detached house, set within a row of similar age and type properties within a residential, suburban neighbourhood.

There is a garage attached to the side which adjoins the boundary with 20 Litchfield Avenue. This arrangement is mirrored at No 20 and reflects the pattern of development more widely. The proposal would see the garage replaced with a single-storey extension that would wrap around the front and rear elevations. To the front it would step forward by a shallow margin to align and tie in with a front bay window, incorporating a new porch entrance. To the rear the extension would project 3m beyond the commonly aligned rear elevations of Nos 18 and 20 as it runs along the shared boundary between both. Where it would wrap around the existing rear elevation of the dwelling it would step to a depth of 6m, including along the opposing side boundary shared with No 16.

4. The Council has no objection to the extension as it would be seen within the street scene. I have no reason to disagree. There would be no change to the space between the appeal property and No 20, and the physical changes would reflect many similar alterations that are commonplace along Litchfield Avenue.
5. The rear garden to No 18 is reasonably deep and consistent in size to others surrounding. Due to the local development pattern, rear gardens are out of sight from the public domain. As such, the visual impact of the rear extension would be contained to its rear garden setting.
6. I saw during my visit, when observing from the rear garden of the appeal property, that single-storey rear extensions to other properties were not uncommon. Moreover, I could detect no consistent alignment to their depths, with some obvious variations apparent.
7. At a maximum depth of 6m, I accept that the extension would be deep, and likely deeper than others I observed, including at No 16, which has an addition to the rear measuring around 3m. However, 6m deep extensions to semi-detached properties are not unusual and can, in certain circumstances, be considered as development permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015.
8. In this instance, due to the size of the rear garden, the extension would not convey any sense of overdevelopment for the plot. Neither would it appear cramped in its setting. As a single-storey addition it would be subservient to the scale and form of the existing dwelling. I find no reason to consider that it would appear either disproportionate or incongruous within the context of its rear garden setting. In the absence of any harm to the character or appearance of the area, there would be no conflict with Policy CS14 of the Merton Core Strategy: July 2011, or with Policies DM D2 or DM D3 of the Council's Sites and Policies Plan (SPP), adopted in 2014, as far as between them they seek to ensure that new development displays a quality of design that respects local character and the context of its surroundings, including the form, scale, bulk and proportions of an original building. For the same reasons I find no conflict with the similar requirements of Policies D3 or D4 of The London Plan 2021.

Living Conditions

9. The main two-storey part of No 20 is set away from the boundary with the appeal property by the width of its attached side garage. The extension would extend beyond this elevation by 3m along the shared boundary. Due to this limited depth and degree of separation, there would be no visual impact upon

the outlook from any of the nearest windows to No 20 that would be significant. The extension along the line of the boundary would project around 4.5m beyond the rear wall of the garage attached to the side of No 20. The flank wall of the extension would project noticeably higher than the existing approximate 2m high boundary fence which currently exists but, as a single-storey structure, not excessively so. Moreover, due to the nature of the garden space beyond the garage and immediately to the side of No 20, I am not persuaded that the increased height of enclosure created by the extension would impact upon the living conditions at No 20 to any significant degree.

10. The rear elevations of properties to this side of Litchfield Avenue are orientated to face south-east. Although there would be some shadow cast over the rear garden of No 20 from the extension, this would be limited by the single-storey height of the proposal and to only a small part of the garden for only a part of the day. It would not significantly affect the neighbours' enjoyment of the garden.
11. For the reasons given, I am satisfied that there would be no harm to the living conditions at 20 Litchfield Avenue. There would therefore be no conflict with the SPP Policies DM D2 or DM D3 where they seek to ensure development does not diminish the living conditions of existing and future residents.
12. I have noted the concern expressed by the occupiers of 16 Litchfield Avenue. The extension would project 6m deep along the boundary with this attached property but 3m beyond the neighbouring property's own single-storey rear extension. I share the Council's view that, due to the existing arrangement, there would be no impact upon the living conditions at No 16 in terms of visual impact, daylight, or sunlight, that would be significant.

Conditions

13. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is required to ensure that the development is finished in materials to match the existing dwelling.
14. I agree with the Council that a condition is required to restrict use of the roof over the extension for maintenance or emergency purposes only, in order to safeguard the privacy of neighbouring occupiers.

Conclusion

15. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR